

Repealed by 2975

ORDINANCE NO. 2088

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PUBLIC SAFETY, DECLARING ABANDONED VEHICLES, VEHICLE HULKS AND PARTS THEREOF TO BE PUBLIC NUISANCES, AND PROVIDING FOR THE ABATEMENT AND REMOVAL OF SAME.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Definition - For the purpose of this Ordinance:

ABANDONED VEHICLE means any vehicle left within the right-of-way of any public street, highway, alley or way open to the public or upon the property of another without the consent of the owner of such property for a period of 24 hours, provided, however, that the vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

ABANDONED AUTOMOBILE HULK Means the abandoned remnant or remains of any motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs.

Section 2. Public Nuisance Declared: An abandoned vehicle, abandoned automobile hulk, wrecked, dismantled or inoperative vehicle or parts thereof:

A. Being within the right-of-way of any public street, highway, alley or way open to the public and so situated as to cause real or apparent immediate damage to the movement and safe flow of traffic or to the lives or property of persons, or in violation of any existing ordinance of the City of Kirkland providing for the immediate impounding of or removal of same, or

B. Remaining for a period of 24 hours within the right-of-way of any public street, highway, alley, or way open to the public and so situated as to not cause any real or apparent immediate danger to the movement of traffic or to the lives or property of others, or

C. Remaining on private property without the permission of the owner of such property for a period of 24 hours,

is hereby declared and found to be a public nuisance and shall be abated in accordance with the following procedures:

Section 3. Procedure where abandoned within public right-of-way or on other public property:

The Chief of Police shall cause any vehicle or automobile hulk found and declared by Section 2-A or Section 2-B of this Ordinance to be a public nuisance to be forthwith impounded and shall immediately upon impound, notify the Chief of the State Patrol and the King County Executive, (or other county official performing the function of County Sheriff). If, at the expiration of 15 days from impound, said vehicle or automobile hulk has not been claimed, it shall be disposed of in the manner provided for in Section 11 of Chapter 42, Laws of 1969, Regular Session of the Washington State Legislature.

Section 4. Procedure where abandoned on private property:

Upon the request of or with the permission of the property owner, the Chief of Police shall cause any vehicle or automobile hulk found and declared by Section 2-C to be a public nuisance, to be forthwith impounded and shall immediately notify the Chief of the Washington State Patrol and the King County Executive (or other King County official performing the appropriate functions of the County Sheriff).

In addition thereto, the City Manager or his delegate (which may be the Chief of Police) shall:

1. Give notice to the last registered owner of record of said vehicle or automobile hulk, and to the property owner of record, that a public hearing may be requested before the Kirkland City Council and that if no hearing is requested, the vehicle or automobile hulk will be removed.

2. In the event such request for hearing is received, give notice of the time, location and date of such hearing on the question of abandonment and removal of the vehicle or part thereof as a public nuisance, which notice shall be mailed by certified mail, with a five day return requested to the owner of the land as shown on the last equalized assessment roll and to the last registered and

legal owner of record, unless the vehicle or automobile hulk is in such condition that identification numbers are not available to determine ownership.

3. The owner of the land on which the vehicle or automobile hulk is located, may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land with his reasons for such denial. If it is determined at the hearing that the vehicle or automobile hulk was placed on the land without the consent of the landowner, and that he has not subsequently acquiesced in its presence, then the cost of removal of the vehicle or automobile hulk shall not be assessed against said property, nor shall such costs be in any other manner charged or collected from said property owner.

4. Fifteen days after giving of the notice required by Subsection 1 of this section, or where a hearing has been requested fifteen days after the date of said hearing, the vehicle, automobile hulk or parts thereof shall be removed at the request of the Chief of Police and disposed of to a licensed auto wrecker and notice of this fact shall be given to the Washington State Patrol and the Department of Motor Vehicles.

The foregoing procedure shall also apply as to any abandoned automobile hulk declared to be a public nuisance by virtue of the provisions of Section 6 of this ordinance.

Section 5. The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing and disposing of such motor vehicle or automobile hulk. Pursuant to Section 39, Chapter 281, Laws of 1969, First Extraordinary Session of the Washington State Legislature, any registered owner who has complied with the requirements of said section of Chapter 248 in the transfer of ownership of the vehicle or automobile hulk, shall be relieved of liability under this section.

Section 6. Any automobile hulk abandoned on private property for a period of 30 days, whether or not the owner of the private property has given his permission or acquiesced thereto, is hereby declared to be a public nuisance, and shall be removed and disposed of in accordance with the procedures set forth in Section 4 of this Ordinance.

For the purpose of this Section 6, the fact that an automobile hulk remains on private property without being removed therefrom for 30 consecutive days shall constitute a prima facie presumption that it has been abandoned.

Section 7. The provisions of this Ordinance shall not apply to:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or

B. A vehicle or part thereof which is stored or parked on private property in a lawful manner where it is not readily visible from the street or other public or private property, or when stored in connection with the business of a licensed vehicle dealer or a licensed dismantler and fenced according to the provisions of RCW 46.08.130.

Section 8. Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the parts so declared invalid.

Section 9. This ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED by the City Council at regular meeting on the 16th day of February, 1970.

SIGNED in authentication thereof on the 16th day of February, 1970.

Attest:

Tom J. Redson
Director of Administration and Finance
(ex officio City Clerk)

William C. Woods
Mayor

Approved as to form:

Ray H. Thompson
City Attorney